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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 10/519453  
Applicant : Funt et al.  
Filing date : December 29, 2004  
Title : A Valve for Closing a Container, Container and a System and  
Method for Filling a Container  
TC/A.U. : 3753  
Examiner : Douglas  
Docket No. : 5554  
Customer No. : 26936

I certify (37 CFR 1.8) that this correspondence is  
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the Patent and Trademark Office at 571.273.8300.



Charles W. Fallow

Commissioner for Patents  
P.O. Box 1450  
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**ELECTION**

Sir:

Subject to a traverse of the Restriction Requirement dated September 19,  
Applicant hereby provisionally elects to prosecute the invention identified by the  
examiner as Group II, namely claims , without prejudice to the filing of a divisional  
application directed to the nonelected claims.

Claims 1 - 3, 6 - 9, 11 - 14 and 16 - 23 read on the provisionally elected species.

The restriction requirement is traversed because the species identified by the  
examiner form a single general inventive concept.

For example, in all species, the valve member is maintained in the open  
position on if a static pressure difference is below a pre-determinable threshold.

Particularly species II - IV have valves with force generating means formed by  
a spring, and species III and IV have valves with force generating means formed by an

internal part operatively connectable to an external part.

The examiner has not explain why each species lacks unity with respect to the other species.

Respectfully submitted,



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